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MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Patent No. 6,813,085
Issue Date: 2 November, 2004
Application No. 09/892,169
Filed: 25 June, 2001
Attorney Docket No. (None)

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: DECISION ON PETITION
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This is a decision on the petition filed on 24 September, 2010, properly treated as a petition pursuant to 37 C.F.R. §1.378(c) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

NOTE: *The address on the petition is different than that of record.*

If Petitioner desires to receive future correspondence regarding this application, the appropriate Notice must be submitted.

A courtesy copy of this decision will be mailed to Petitioner.

However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. (Forms enclosed.)

The fees appear to have been submitted by the named inventor/patentee—there appears to be no assignee of record.

BACKGROUND

Patent No. 6,813,085 (the '085 patent) issued on 2 November, 2004. The first maintenance fee could have been paid during the period from 2 November, 2007, through midnight 2 May, 2008, or, with a surcharge, during the period from 3 May, 2008, through midnight 2 November, 2008. Accordingly, the patent expired after midnight 2 November, 2008, for failure to pay timely the first maintenance fee.

Patent No. 6,813,085
Application No. 09/892,169

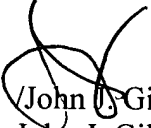
The instant petition was filed on 24 September, 2010. Because the petition was submitted within twenty-four (24) months after the six- (6-) month grace period provided in 37 C.F.R. §1.362(e), the petition was timely filed under the provisions of 37 C.F.R. §1.378(c).

The petition pursuant to 37 C.F.R. §1.378(c) is **GRANTED**.

The maintenance fee is hereby accepted—the appropriate fees were submitted *via* credit card—and the above-identified patent is reinstated as of the mail date of this decision.

The patent file is being returned to IFW Files Repository.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2¹) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
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cc
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¹ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.